

### REMARKS

Applicant thanks the Examiner for the telephone discussion with Applicant's representative on July 26, 2004, wherein the Examiner indicated that the new claims and claim amendments entered in the response to Office Action filed July 10, 2003 have been entered, and are included in the present examination. Thus, claims 1-95 were pending in the present application. By virtue of this response, claims 13 and 57 have been canceled, claims 1-12, 14-24, 35, 37-56 and 58-95 have been amended, and new claims 96-109 have been added. Accordingly, claims 1-12, 14-56 and 58-109 are currently under consideration. Support for the claim amendments may be found at, *inter alia*, page 13 lines 4-6 (claims 1 and 61); page 10 line 14 – page 11 line 3 (claims 3-8); Figures 10-15 (claims 84-87); page 28 lines 5-7 (claims 88-89); page 32 lines 9-11 (claims 90-91); page 15 lines 7-8 (claims 92-93); page 19 lines 21-22 (claims 94-95); page 10 lines 11-14 and 25-26 (n = 600-1000 corresponds to a PEG molecular weight of 26,400-44,000 Da), page 52 lines 11-13 and Figures 7 and 12 (claim 99); page 6 lines 15-17 (claim 108); and page 4 lines 22-26 (claim 109).

No new matter is believed to have been introduced by the amendments.

With respect to all amendments and cancelled claims, Applicant has not dedicated or abandoned any unclaimed subject matter and moreover has not acquiesced to any rejections and/or objections made by the Patent Office. Applicant reserves the right to pursue prosecution of any presently excluded claim embodiment in future continuation and/or divisional applications.

Applicant also thanks the examiner for the telephone interview conducted September 30, 2004 in which the claim amendments and rejection of the claims under 35 U.S.C. Sec. 112 second paragraph were discussed. In that interview, Applicant's representative discussed how the specification discusses the phrase "chemically defined valency platform molecule." Portions of the specification are discussed further below.

Applicant has also concurrently submitted the document entitled "Multivalent Poly(ethylene glycol)-Containing Conjugates for In Vivo Antibody Suppression", filed herewith in a Supplemental Information Disclosure Statement. As noted in the document, incorporation of

poly(ethylene glycol) (PEG) into conjugates comprising valency platform molecules and  $\beta$ 2GPI domain 1 peptides reduced the rate of elimination of the conjugates from plasma, and increased their efficacy as toleragens in the compounds discussed in the paper (see, *inter alia*, abstract, and pages 1074-1075). The document further teaches that PEGs of low polydispersity in such compounds are advantageous (page 1068 column 1).

### **Rejection under 35 U.S.C. §112, 2nd paragraph**

Claims 1-34 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully submits that the claims are definite. As an initial matter, Applicant notes that claim 13 has been canceled without prejudice. The claimed invention is to chemically defined valency platform molecules comprising high molecular weight polyethylene oxide (PEG), as further specified in the claims. As noted in the specification, a “valency platform” is a molecule with one or more (and typically multiple) attachment sites which can be used to covalently attach biologically active molecules of interest to a common scaffold (page 1 lines 17-19). These biologically active molecules include, for example, oligonucleotides, peptides, polypeptides, proteins, antibodies, saccharides, polysaccharides, epitopes, mimotopes, drugs, and the like (page 1 lines 25-27). A “defined” or “chemically defined” valency platform molecule of the present application is a platform with defined structure, thus a defined number of attachment points and a defined valency (page 1 lines 21-23).

Accordingly, Applicant respectfully requests withdrawal of the rejection under §112, 2<sup>nd</sup> paragraph.

**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 252312007500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated:

10/5/04

Respectfully submitted,

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